

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEKALB COUNTY, FULTON COUNTY, and COBB)
COUNTY, GEORGIA,)
)
)
Plaintiffs,)
) CIVIL CASE NO.:
v.) 1:12-cv-03640-SCJ
)
HSBC NORTH AMERICA HOLDINGS INC., ET AL.,)
)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), the HSBC Defendants (collectively, “HSBC”), request that the Court dismiss Plaintiffs’ Complaint (the “Complaint”) against HSBC for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted, and show the Court the following:

1. The Plaintiffs’ Federal Housing Act, 42 U.S.C. § 3605 (“FHA”) claims are barred by the statute of limitations.
2. The Plaintiffs lack standing and the Court does not have subject matter jurisdiction over the Complaint.
3. The Complaint fails to state a claim upon which relief can be granted.

4. The FHA does not permit disparate impact claims.
5. A brief and two declarations in support of this motion are being filed contemporaneously. For the reasons more fully discussed in HSBC's Brief in Support of this Motion to Dismiss, HSBC requests that the Court dismiss all claims included in the Complaint, and grant HSBC such other and further relief as the Court deems HSBC to be entitled.

Respectfully submitted this 25th day of January, 2013.

/s/ Therese G. Franzén

Therese G. Franzen (Bar No. 492367)
D. Sharmin Arefin (Bar No. 511388)
FRANZEN AND SALZANO, P.C.
40 Technology Parkway South, Suite 202
Norcross, Georgia 30092-2906
(770) 248-2885 (Telephone)
(770) 248-2883 (Facsimile)

Andrew L. Sandler (*pro hac vice*)
Valerie L. Hletko (*pro hac vice*)
Ross E. Morrison (*pro hac vice*)
Mark E. Rooney (*pro hac vice*)
BUCKLEY SANDLER LLP
1250 24th St. NW, Suite 700
Washington, D.C. 20037
(202) 349-8000 (Telephone)
(202) 349-8080 (Facsimile)

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEKALB COUNTY, FULTON COUNTY, and)
COBB COUNTY, GEORGIA,)
)
Plaintiffs,)
)
)
v.)
) CIVIL CASE NO.:
HSBC NORTH AMERICA HOLDINGS INC., ET) 1:12-cv-03640-SCJ
AL.,)
)
Defendants.)
)
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing Motion to Dismiss and [Proposed] Order using this Court's ECF System, which will automatically send email notification to the following attorneys of record for all parties:

Darren W. Penn
darren@hpllegal.com

Hezekiah Sistrunk, Jr.
hez@sistrunklaw.com

David James Worley

Jane Lamberti Sams

david@hpllegal.com

J. Antonio DelCampo
tony@hpllegal.com

James M. Evangelista
jim@hpllegal.com

Jeffrey R. Harris
jeff@hpllegal.com

jls@sistrunklaw.com

Shean DeCarlos Williams
sdw@sistrunklaw.com

Jeffrey Emery Tompkins
j.tompkins@tkstlaw.com

Thomas G. Sampson
t.sampson@tkstlaw.com

Respectfully submitted this 25th day of January, 2013.

FRANZÉN AND SALZANO, P.C.

/s/ Therese G. Franzén
Therese G. Franzén
Georgia Bar No. 492367

40 Technology Parkway South, Suite 202
Norcross, Georgia 30092-2906
(770) 248-2885 (Telephone)
(770) 248-2883 (Facsimile)
tfranzen@franzen-salzano.com
Counsel for Defendants